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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,096	06/01/2000	Michael Heideman	AIRF-01013US0-MCF/KJD	7724

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EXAMINER

NGUYEN, THU V

ART UNIT PAPER NUMBER

3661

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/588,096

Applicant(s)

HEIDEMAN, MICHAEL

Examiner

Thu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

The amendment filed on June 2, 2003 has been entered. By this amendment, claim 16 has been canceled, claims 17-25 have been added and claims 1-15, 17-25 are now pending in the application.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification does not disclose using a server as an input source.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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- a. In claim 11, line 6, the claimed “and transmitting the first location” is unclear and is not supported in the specification. Since it appears that the mobile device does not transmit the first location when the mobile device receives the information. The mobile device just provide the first location to the user.
- b. Other claims are rejected as being dependent on the rejected base claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-4, 6, 8-9, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liming (US 2002/0055924) in view of Tamai (US 5,608,635).

As per claim 1, 3-4, 6, 8-9, Liming teaches a method for obtaining a travel information in which a remote location receive a search category for a communication device; identifying a plurality of location in the search category; transmitting a first location from the remote location to the communication device which is a telephone of a personal digital assistant (fig.1; para [0041]; [0044]-[0046]; [0121], [0124], [0125]; [0016]). Liming does not teach identifying a plurality of locations in the search category within a search area; computing a first travel time

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from an origin to a first location; storing the first travel time and respective first location.

However, Liming teaches the capability to search for a location in a search category (para [0121], [0123]), and Tamai teaches the capability to identify a plurality of locations in the search category, and computing the travel time from an origin to a first location (col.5, lines 63-67; col.6, lines 1-5). Further, storing a computed data would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement an algorithm for selecting the first location that requires the least time to travel of Tamai to the system of Liming in order to provide optimal route selection for the user when the user does not enter the exact destination. Further, as to claim 3, searching for a nearest restaurant would have been well known.

As per claim 11-15, Liming teaches a PDA for inputting the user selected category and receiving a first location; means for transmitting and receiving for receiving the user selected category, and outputting the first location (para [0045]-[0046]; [0086]; [0121]-[0124]); Liming does not teach computing a first travel time that has the minimum travel time. However, Liming teaches the capability to search for an optimum location in a search category (para [0121], [0123]), and Tamai teaches the capability to select the first location having minimal travel time and to transmit the first location to the user (col.5, lines 63-67; col.6, lines 1-5). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement an algorithm for selecting the first location that requires the least time to travel of

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Tamai to the system of Liming in order to provide optimal route selection for the user when the user does not enter the exact destination. Further, as to claim 13, searching for a nearest restaurant would have been well known.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liming (US 2002/0055924) in view of Tamai (US 5,608,635) and further in view of Sato (US 5,906,654).

As per claim 5, Sato teaches expanding the search area (col.5, lines 13-15). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to expand the search area of the combined teaching of Liming and Tamai in order to provide the user a destination suggestion that is further the limited search area.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liming (US 2002/0055924) in view of Tamai (US 5,608,635) and further in view of Myr (US 6,480,783).

As per claim 7, Myr teaches estimating the time by dividing the distance by a maximum speed (col.11, lines 45-59). Further, office notice is taken that determining if the estimated time is less than a predetermined limit would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to determine the time it takes to travel from one location to another location using a maximum estimated speed in order to provide quick calculation of the travel time when the travel time is not needed to be exact.

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9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liming (US 2002/0055924) in view of Tamai (US 5,608,635) and further in view of Sato (US 5,906,654), Myr (US 6,480,783), Takanabe et al (US 5,359,527).

As per claim 10, refer to claim 1-2, 5, 7 above. Further, Liming teaches the capability to transmit a list of information from a remote location to the personal assistant device (para [0121]-[0124]).

10. Claims 2, 17-21, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liming (US 2002/0055924) in view of Tamai (US 5,608,635) and further in view of Takanabe et al (US 5,359,527).

As per claim 2, Tamai teaches computing a second travel time to a second location (col.6, lines 6-18), and Takanabe teaches sorting the destination in ascending time order (col.6, lines 1-13). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to sort the destination of the combined teaching of Liming and Tamai in ascending order as taught by Takanabe in order to facilitate recognition of the time it takes to travel to each destination.

As per claim 17-18, 20-21, 24-25, refer to claim 10 above. Further, as to claim 20, searching a nearest restaurants would have been well known.

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As per claim 19, using a computer server as an input source would have been well known.

11. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liming (US 2002/0055924) in view of Tamai (US 5,608,635) and further in view of Takanabe et al (US 5,359,527) and Sato (US 5,906,654).

As per claim 22, refer to claim 5 above.

12. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liming (US 2002/0055924) in view of Tamai (US 5,608,635) and further in view of Takanabe et al (US 5,359,527) and Myr (US 6,480,783).

As per claim 23, refer to claim 7 above.

Response to Arguments

13. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 305-7687, (for formal communications intended for entry)

Or:

(703) 305-7687 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive,
Arlington. VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner
should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner
can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone number for
this Group is (703)305-7687 .

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703)308-1111.



Thu Nguyen

July 30, 2003